

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-214206**DATE:** March 12, 1984

MATTER OF: Union of Public Works Center,
San Francisco Bay Employees

DIGEST:

1. Labor union protest, alleging that proposed awardee is a nonresponsible firm and does not intend to comply with affirmative action requirements, is dismissed because union is not an "interested" party for purposes of these issues under GAO Bid Protest Procedures.
2. Whether specification requirements are met during performance of contract is a matter of contract administration which GAO will not consider.
3. Protester's request for a conference on protest is denied since conference would serve no useful purpose.

The Union of Public Works Center, San Francisco Bay Employees (Union), protests the proposed award to Four Star Maintenance Company (Four Star) under solicitation No. N62474-83-C-4488 issued by the Department of the Navy for the maintenance of military family housing. The Union contends that Four Star is not in compliance with the Davis-Bacon Act, 40 U.S.C. § 3276, et seq. (1976), under two other government contracts it obtained and the firm does not intend to comply with the act here. Therefore, the Union contends that Four Star is a nonresponsible bidder. The Union also questions Four Star's compliance with the affirmative action requirements.

We dismiss the protest.

Our Bid Protest Procedures require that a party be "interested" in order that its protest be considered. 4 C.F.R. § 21.1(a) (1983). We do not find the Union to be an interested party in this case for purposes of questioning Four Star's ability or willingness to comply with the Davis-Bacon Act or the affirmative action requirements.

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In determining whether a protester satisfies the interested party criterion, we examine the degree to which the asserted interest is both established and direct. In making this evaluation, we consider the nature of the issues raised and the direct or indirect benefit or relief sought by the protester. Kenneth R. Bland, Consultant, B-184852, October 17, 1975, 75-2 CPD 242. The party's relationship to the question raised by the protest must be direct. Where there is an intermediate party of greater interest, we generally have considered the protester to be too remote from the cause to establish interest within the meaning of our Bid Protest Procedures. As a general rule, the interests involved in whether the award of a contract is proper are adequately protected by limiting the class of parties eligible to protest to disappointed bidders or offerors. Die Mesh Corporation, 58 Comp. Gen. 111 (1978), 78-2 CPD 374. Here, we believe that bidders on the solicitation are intermediate parties of greater interest with respect to the issue of Four Star's responsibility and, therefore, the Union is not an interested party. However, if the Union's real concern is that Union members may be denied the benefit of the Davis-Bacon wage rate determination, this issue is properly for consideration by the Department of Labor rather than GAO.

With respect to the Union's contention that Four Star does not intend to comply with the affirmative action provisions, we do not believe the Union is an interested party and, in any event, this is a matter of contract administration and is not for resolution under our Bid Protest Procedures. 4 C.F.R. § 21 (1983). See The Wenninger Company, Inc., B-205093.3, August 10, 1983, 83-2 CPD 194; Gulf Systems Inc., B-210080, January 6, 1983, 83-1 CPD 12; Tenavision, Inc., B-208857, September 21, 1982, 82-2 CPD 256.

The Union's request for a conference on the protest is denied since, in light of the above, it would serve no useful purpose. Gateway Warehouse Services Corp., B-208350, August 17, 1982, 82-2 CPD 141.

Harry R. Van Cleve
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Acting General Counsel